DEPARTMENT OF MARINE RESOURCES

Chapter 34 - Groundfish Regulations

- 34.10 Maine Groundfish Management Plan
 - 1. Groundfish Management Plan
 - B. Size, Possession and Gear Restrictions
 - (1) Commercial size, possession and gear restrictions
 - (d) Prohibited species

 Vessels are prohibited from landing ocean pout, windowpane flounder and Atlantic wolffish.
 - (2) Recreational size, possession and gear restrictions
 - (f) Prohibited species

 Vessels are prohibited from landing Atlantic wolffish.
 - C. Maine Territorial Waters
 - (7) Hook and Line. Intentionally blank
 "Hook and line" means a single line with no more than 2 hooks.

Basis Statement

Chapter 34.10 Maine Groundfish Management Plan Amendment 16 compliance updates

These regulations remove the 2-hook per line restriction and prohibit the landing of ocean pout, windowpane flounder and Atlantic wolffish for compliance and consistency with Amendment 16 and Framework 44 to the Northeast Multispecies Fishery Management Plan and NOAA Fisheries Service regulations.

The rules apply to commercial and or recreational groundfish fishermen in the Gulf of Maine. The removal of the 2-hook per line restriction for compliance with Amendment 16 and Framework 44 to the Northeast Multispecies Fishery Management Plan would provide enforcement consistency by mirroring the federal rules. Regarding the prohibited species ocean pout, windowpane flounder and Atlantic wolffish, these species have been added to the commercial section, and Atlantic wolffish added to the recreational section to mirror the federal rules.

The following online link contains the NOAA Fisheries Service Fact Sheet: http://www.nefsc.noaa.gov/press_release/2010/News/NR1008/2010GroundfishMeasures3_23_10.pdf that describes the new fishing regulations for the Northeast Multispecies Fishery. "The following is a summary of new federal regulations for the Northeast multispecies fishery which are expected to go into effect on May 1, 2010. These measures are included in Amendment 16 and Framework 44 to the Northeast Multispecies Fishery Management Plan. Amendment 16 was developed over three years by the New England Fishery Management Council through an open, public process, and approved by NOAA Fisheries Service on January 21, 2010. Framework Adjustment 44 (FW 44) modifies several Amendment 16 measures and includes actual catch levels for the next three years. When finalized the complete regulations will be available under Hot News on our website: http://www.nero.noaa.gov/nero/"

Summary of Comments

Chapter 34.10 Maine Groundfish Management Plan Amendment 16 compliance updates

Public hearings were held November 15 and 16, 2010 in Rockland and Yarmouth respectively. The summarized comments and Department's responses follow the list of hearing attendees and persons who submitted written comments. (Proposed rulemaking hearings were held the same evenings for Chapters 85, 42 and 43, which many of the attendees were present for at the hearings.)

Hearing attendees, Rockland

Doug Jowett, Brunswick

George Warren, Edgecomb

David Allen, Washington

Barry Gibson, E. Boothbay

Rep. Jon McKane, District 51

Sen. Chris Rector, Thomaston, District 22

Pete Ripley, E. Boothbay

Bill Spencer, Boothbay Harbor

Jeff Bellmore, Warren

DMR: Dep. Comm. David Etnier, Deirdre Gilbert, Pat Keliher, L. Churchill

Hearing attendees, Yarmouth

Forrest Faulkingham, Alna, Maine Association of Charterboat Captains

Andrew Mazzitelli, North Berwick

Don Kleiner, Union

Doug Jowett, Brunswick

Steve Heinz, Cumberland Foreside, angler

David Huntress, (Stantec), angler

Mac McKeever, (LL Bean), angler

Dana Eastman, town?

Mike Jannvil [sp?], town?

Jerry Rideout, town?

Matt Boutet, [sp?], town?

Don Russell, town?

Duncan Barnes, town?, angler

DMR: Dep. Comm. David Etnier, Deirdre Gilbert, Pat Keliher, L. Churchill

Written comments

Doug Jowett, Brunswick

Maine Association of Charterboat Captains, Capt. Dave Pecci, Fisheries Committee Chair

Coastal Conservation Association, Maine Board of Directors, Mac McKeever - Maine Pres.

Fred Cichocki, PhD, town?

Summarized comments and response(s):

1. Chapter 34.10(1)(C) Disagree with removal of the two hook restriction. *Response:*

These regulations provide consistency with federal regulations for the Northeast multispecies fishery that went into effect on May 1, 2010. These measures are included in Amendment 16 and Framework 44 to the Northeast Multispecies Fishery Management Plan. Amendment 16 was developed over thee years by the New England Fishery Management Council through an open, public process, and approved by NOAA Fisheries Service on January 21, 2010. Framework Adjustment 44 (FW 44) modifies several Amendment 16 measures and includes actual catch levels for the next three years. The removal of the two hook restriction is part of the changes made to the recreational components of FW 44.

The following online link contains more information:

http://www.nefsc.noaa.gov/press_release/2010/News/NR1008/2010GroundfishMeasures3_23_10.pdf

Individual summarized comments:

Forrest Faulkingham, Representing the Maine Association of Charterboat Captains 34.10 - Groundfish Regulation Changes: Neither for nor against.

George Warren

This just follows the National Marine Fisheries guidelines [rules], right? Answer: Yes

Barry Gibsor

I have no problem with this...but would recommend that when the NMFS or Councils come up with a plan and it is implemented by the NMFS that DMR take a close look at when they go to mirror the federal regulations to be sure there isn't anything in there that impacts the recreational sector unnecessarily. In the past the state just simply mirrored the federal regulations [for enforcement]. Most of the states did this too. Massachusetts broke ranks with that way of thinking last year when we had the ban on possession of recreational codfish in federal waters from November 1 to March 31. They felt after some study that this was inappropriate in state waters, is unnecessary, they enacted a regulation that allowed people to catch 2 codfish in state waters throughout that closed period. I would simply say that in the future to look at those kinds of things and to go out to the recreational sector and say we're thinking about doing this are there any concerns you have, any of these measure that might be looked at alternatively that would continue to help the recreational fishery here grow and prosper; rather than just absolutely rubber stamping the federal regulations. A lot of times they don't speak to things that happen in state waters. One thing DMR did do, which was very good, is the Pollock for bait issue. That was very good, they went out to get some comment, people said they use them for bait, they will be under 22 inches, so the decision was to allow people to have 6 Pollock a day or so. That kind of analysis was good, appropriate and would like to see that. There will be more of these. One example is the Sheepscot bay closure. Have you looked at the number of species closed to recreational fishing in Sheepscot Bay in the spring, thirty species. It was a cod driven regulation and we got 29 more species. My only comment is to look at these things and look at the recreational fishery and get recreational input if you have to and let's not do anything that is unnecessary that doesn't have a biological benefit.

Written comments

Captain Doug Jowett

I approve of the proposed rules as noted below for the November 15 & 16, 2010 Public Hearings.

- 1. Chapter 85 Saltwater Fishing Registry
- 2. Chapter 42 Striped Bass
- 3. Chapter 43 Bluefish
- 4. Chapter 34.10 Groundfish, Amendment 16 compliance updates

The Maine Association of Charterboat Captains, Capt. David Pecci, Fisheries Committee Chair
The Maine Association of Charterboat Captains (MACC) represents more than 65% of the Maine
for-hire fleet. A recent membership survey reveals that the drastic reduction of striped bass in Maine
waters over the past three years has had an increasingly negative economic impact. Anglers are choosing
to fish in other places, or not fish at all. There has been a 25-35% reduction in tourism-based angling
clientele. Captains who cater to destination anglers (anglers who travel to Maine specifically to fish) find
their businesses have fallen off 50% or more. Many captains have been reduced to part-time operations
and some have been forced to take on supplemental employment to survive.

The general fishing public's catch and release mortality will most likely drop due to these new regulations. However, Maine DMR will see negligible benefits from MACC members and their clientele. We are protecting our marine resources without these additional restrictions.

Specific Comments Approved by the MACC Board of Directors:

34.10 - Groundfish Regulation Changes: [Neither for nor against] - We understand that these changes are needed to have consistency with recently changed federal regulations. Some of our members would like to see the 2 hook limitation to stay in place. Others would like to have it removed thus allowing the use of sibiki rigs above jigs.

Fred Cichocki, PhD

Re: Chapter 34.10 Maine Groundfish Management Plan--Amendment 16 Compliance Update 34.10(1)(C) Disagree with removal of the two hook restriction.

CCA-Maine Board of Directors

Chapter 34 – Groundfish Regulations

We agree with DMR's rule-making proposals in this category.